HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO. 11464 OF 2006

DATED: 12.6.2006

Between:

M/s Vishwa Yagna Estates

… Petitioner

and

The District Collector, Visakhapatnam

And others

… Respondents

HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO.11464 OF 2006

ORAL ORDER:

The petitioner's lands are proposed for acquisition by the issuance of a notification dated 24.5.2006, under Section 4 (1) of the Land Acquisition Act, 1894 (for short 'the Act'). The lands are proposed to be acquired for forming an integrated special economic zone under the aegis of the 3rd respondent. Invoking the urgency clause, the enquiry under Section 5-A of the Act has been dispensed with.

The petitioner asserts to have purchased Ac.50.50 cents of land in Chippurpalli and Ravada villages, Parvada Mandal, Visakhapatnam District and to have developed the lands as a joint venture with the Visakhapatnam Urban Development Authority (VUDA) to provide house-sites to persons belonging to Middle Income Groups (MIG), to have divided the plot into extents of various sizes, to have entered into an agreement dated 14.9.2005 with the VUDA to develop the lands into residential plots and to have allotted 11% of the plotted area to VUDA. Without taking these factors into consideration of the fact that under the Master Plan for Visakhapatnam, this land is earmarked for residential purposes, the impugned notification has been issued, is the complaint.

There appears no justification for invoking the urgency clause and dispensing with the enquiry under Section 5-A of the Act for a future programme of creating/forming an integrated special economic zone. The purpose for which the acquisition made is not of such a pressing urgency as to justify the eschewing of the salutary statutory provision of providing an opportunity to affected landowners, of submitting objections to the proposal for acquisition of their lands.

In the aforesaid circumstances, the writ petition is disposed of at the

stage of admission after hearing the learned counsel for the petitioner and the learned Government Pleader for Land Acquisition declaring the invocation of the urgency clause and the dispensing with the enquiry under Section 5-A of the Act as irrational and unsustainable. The respondents are directed to issue notice to the petitioner calling for its objections if any to the proposals to acquire its lands. On considering the objections if any submitted within the time specified, the same shall be considered and an appropriate decision taken duly communicating the decision to the petitioner simultaneously with the recommendations made pursuant the enquiry under Section 5-A of the Act by the acquiring authority. The petitioner shall not be dispossessed pending communication of the decision to the petitioner consequent on the enquiry under Section 5-A of the Act.

The writ petition is disposed of as above. There shall however be no order as to costs.

GODA RAGHURAM, J

Date: 12.6.2006

CVM